

EXHIBIT 16
FILED UNDER SEAL

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THE STATE OF TEXAS, et al.,)
)
Plaintiffs,) Case No.
v.) 4:20-cv-00957-SDJ
)
GOOGLE LLC,) Hon. Sean D. Jordan
)
Defendant.)

HIGHLY CONFIDENTIAL
PURSUANT TO PROTECTIVE ORDER

— — —
THURSDAY, MAY 23, 2024
— — —

Videotaped Deposition of [REDACTED],
taken pursuant to notice and conducted at Norton Rose
Fulbright US LLP, 1301 Avenue of the Americas, Room 30-C,
New York, New York, commencing at 9:34 a.m., EDT, on the
above date, before Jennifer A. Dunn, Registered Merit
Reporter, Certified Realtime Reporter, Missouri Certified
Court Reporter, and Certified Shorthand Reporter in
California, Illinois, and Texas #12050.

— — —
GOLKOW, a Veritext Division
877.370.DEPS

A P P E A R A N C E S

NORTON ROSE FULBRIGHT US LLP

BY: GERALDINE W. YOUNG

geraldine.young@nortonrosefulbright.com

BY: ETHAN GLENN (via Zoom)

ethan.glenn@nortonrosefulbright.com

1301 McKinney

Suite 5100

Houston, Texas 77010-3095

Tel: (713) 651-5151

and

NORTON ROSE FULBRIGHT US LLP

BY: DANIELLA TORREALBA

daniella.torrealba@nortonrosefulbright.com

799 9th St NW, #1000

Washington, DC 20001

Tel: (202) 662-0200

and

THE LANIER LAW FIRM, PLLC

BY: MELONIE DEROSE (via Zoom)

melonie.derose@lanierlawfirm.com

BY: ALEX ABSTON (via Zoom)

alex.abston@lanierlawfirm.com

BY: ZEKE DEROSE, III (via Zoom)

zeke.derose@lanierlawfirm.com

10940 West Sam Houston Parkway North

Suite 100

Houston, Texas 77064

Tel: (713) 659-5200

Counsel for Texas, Idaho, Louisiana

(The Lanier Law Firm Only),

Mississippi, North Dakota, South Carolina and

South Dakota

Counsel for Texas, Idaho, Louisiana

(The Lanier Law Firm Only),

Mississippi, North Dakota, South Carolina and

South Dakota

STATE OF TEXAS

OFFICE OF THE ATTORNEY GENERAL

BY: LUKE WOODWARD (via Zoom)

luke.woodward@oag.texas.gov

300 W. 15th Street

Austin, Texas 78701-1649

Tel: (512) 936-1674

Counsel for Plaintiff State of Texas

A P P E A R A N C E S (Cont.)

AXINN, VELTROP & HARKRIDGER LLP

BY: BRADLEY JUSTUS

bjustus@axinn.com

BY: DAVID PEARL

dpearl@axinn.com

BY: ALLISON VISSICHELLI

avissichelli@axinn.com

BY: DANIEL S. BITTON (via Zoom)

dbitton@axinn.com

1901 L Street, NW

Washington, DC 20036

Tel: (202) 912-4700

Counsel for Google LLC

ALSO PRESENT:

Jonathan Jaffe, Consultant - It's Your Internet (via Zoom)

RAY MOORE - Trial Technician

CHRIS RITONA - Videographer

1 MR. JUSTUS: Objection. Form.

2 THE WITNESS: I see. I don't think that
3 ethics comes into that part of it.

4 The choice of what mechanism you use -- if
5 everybody knows that's the mechanism you're using, then
6 they can respond how they wish, right?

7 Just like when you're selling a house, you
8 don't say, well, it's unethical the way people sell
9 houses because it's a first price auction, right?

10 And buyers are often not truthful when
11 they're trying to buy a house. They'll say: "I'll pay
12 this much," and then later they say: "Last and final
13 offer," and they increase -- you know, they're like --
14 that's not truthful behavior, "but I would be actually
15 willing to pay this much but I'm not, I'm going to
16 start lower."

17 So I don't -- I wouldn't say that it's not
18 right to have non-truthful mechanism. I think that if
19 you told people that's what you're doing and you
20 diverge from that, that's where it becomes not right.

21 Especially since these things kind of are
22 layers that people build on, right? If they decide
23 whether to -- whether to coordinate with you -- whether
24 to cooperate with your system at all, because they
25 believe, oh, you're doing the second first auction, I

1 think that's reasonable, I understand it. I'm going to
2 onboard and start sending you traffic.

3 Then you change the rules. You got to at
4 least give them some time to think about like, do I
5 still want to be here, like what about everybody else?
6 Can I find other friends that maybe all want to just
7 kind of like boycott this thing?

8 Or, you know, like it takes a while for
9 people to be able to work through the implications if
10 you change the rules.

11 So I think if you change the rules and you
12 don't tell them, that's unethical. And I think if you
13 change the rules and tell them but don't really give
14 them much time to think it through, then that's not
15 very nice either.

16 That's kind of being a jerk.

17 BY MS. YOUNG:

18 Q So you discussed two situations; changing the
19 rules and not telling the auction participants.

20 A Yeah.

21 Q You believe is unethical?

22 A Yes.

23 Q And then a second situation where you've changed
24 the rules and tell the participants but do not give them
25 enough time to understand and implement the rule changes,

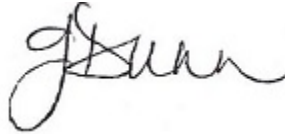
CERTIFICATE

I, Jennifer A. Dunn, Registered Merit Reporter,
Certified Realtime Reporter, Certified Shorthand Reporter,
and Certified Court Reporter, do hereby certify that prior
to the commencement of the examination, [REDACTED]

[REDACTED], was duly remotely sworn by me to testify to the
truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a verbatim
transcript of the testimony as taken stenographically by me
at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor
employee nor attorney nor counsel of any of the parties to
this action, and that I am neither a relative nor employee
of such attorney or counsel, and that I am not financially
interested in the action.



"/s/JENNIFER A. DUNN"

NCRA Registered Merit Reporter

NCRA Certified Realtime Reporter

California Certified Shorthand Reporter #14461

Illinois Certified Shorthand Reporter #084.004939

Missouri Certified Court Reporter #485

Texas Certified Shorthand Reporter #12050

Dated: May 23, 2024